

DETAILED ACTION

Receipt is acknowledged of applicants' amendment which was filed on 15 February 2008.

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Specification

The amendment filed on 15 February 2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: (a) the section entitled, "Description of Related Art" and (b) the section entitled, "DETAILED DESCRIPTION OF THE INVENTION."

Applicant is required to cancel the new matter in the reply to this Office Action.

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Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 16-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Claim 16 recites the following limitation: "...a thick, dry, layer of such a quantity as to correspond substantially to an amount greater than one precise dose..."

After carefully examining the instant disclosure, the examiner respectfully submits that support for these amendments is lacking and the addition of said limitations is new matter. Specifically, the above limitations are not set forth in the original specification.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Al Ani (U.S. Patent No. 3,948,265).

Al Ani discloses a styptic applicator (*see* abstract). Active substance may be applied to one or both ends of the applicator (*see* col. 2, lines 60-68). The disclosed applicator can be disposable (*see* col. 4, lines 3-7). The stem may be manufactured of a natural or man-made material (*see* col. 3, lines 18-24).

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Response to Arguments

Applicant's arguments filed 15 February 2008 have been fully considered but they are not persuasive.

Applicants argue that use of the newly introduced language, "a thick, dry layer of such a quantity as to correspond substantially to an amount greater than one precise dose" was intended to clarify the wording, "...an effective amount of styptic solution..." See remarks, page 10.

Examiner respectfully submits that applicants are not permitted to use claim language that is not supported by the original disclosure. If applicants wish to more concisely define their claimed invention, they must do so only within the confines of the original disclosure. If applicants wish to add new matter to the application, they may file a continuation-in-part application.

Applicants argue that, "it would not have been obvious at the time of his invention to invent an applicator with the same bi-functionality that we are proposing." See remarks, page 13.

It is noted that the features upon which applicant relies (i.e., bi-functionality) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

Art Unit: 1618

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HASAN S. AHMED whose telephone number is (571)272-4792. The examiner can normally be reached on 9am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Hartley can be reached on (571)272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1618

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. S. A./
Examiner, Art Unit 1618

/Humera N. Sheikh/
Primary Examiner, Art Unit 1618